

Received from Mortensen  
2/15/79  
1022  
PF  
C

RESOLUTION No. 11-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY, CALIFORNIA, RECITING THE BACKGROUND AND SETTING FORTH ITS POSITION ON THE PLANNED JOINT SEWER FACILITIES OF THE SEWER AUTHORITY MID-COASTSIDE WITH ITS ATTENDANT IMPLEMENTATION SCHEDULE AND DISTRIBUTION OF LOCAL CAPACITIES AND COSTS

- WHEREAS, in 1971 the City of Half Moon Bay (HMB), with an overloaded .3 million gallons per day (mgd) primary sewer treatment plant which could not meet state and federal discharge standards, took the initiative in forming a joint powers agency among the existing sewage agencies serving the mid-coastside area of San Mateo County, and
- WHEREAS, the purpose of this joint powers agency was to jointly plan for and construct, with state and federal grant funds under the Porter Cologne Water Quality Control Act of 1969, a regional facility to solve the water quality problems of this entire area, and
- WHEREAS, the Granada Sanitary District (GSD), with a .3 mgd primary sewage treatment plant nearing capacity and also unable to meet state and federal discharge requirements, initially became a party to this joint powers agency, and
- WHEREAS, the Montara Sanitary District (MSD), with a .5 mgd secondary treatment plant with surplus capacity then able to meet state and federal discharge requirements, initially elected not to join this joint powers agency, and
- WHEREAS, shortly after this joint powers agency had commenced its planning process, constituent members of the GSD brought suit against this district to enjoin it from participating with HMB in this regional effort, and subsequently, through the election process, gained control of the district which then withdrew from the joint powers agency, and
- WHEREAS, in view of the above, HMB sought and was designated by the State Water Resources Control Board (SWRCB) as the Central (Lead) Agency for the proposed regional sewage system and instructed to proceed on its own with the proposed regional project, and
- WHEREAS, bearing the local costs alone, in 1972 HMB produced a project report and all attendant documents, thus completing the planning process known as Step I in the Clean Water Grant Program, through the consulting engineering firm of Yoder-Trotter-Orlob and Associates (YTO) who had been jointly selected by the initial joint powers agency, and
- WHEREAS, the proposed plan, after considering 28 alternative plans, recommended a 2.4 mgd consolidated regional sewage treatment plant to be located at the site of the existing HMB treatment plant, with an intertie conveyance line connecting the GSD and MSD systems to this plant and a combined use of HMB's ocean outfall and a well injection reclamation system for disposal, and
- WHEREAS, in response to objections raised by the GSD and MSD over this plan, the SWRCB deferred approval and authorization to proceed to the Step II design phase, and instead agreed to fund additional Step I studies of alternatives to be conducted by the GSD and MSD, who subsequently joined together in a joint powers agency known as Coastside Sewer Service Agency (CSSA), and

WHEREAS, in view of the above, HMB was compelled to resolve its immediate treatment problems alone and in the fall of 1972 commenced a construction program without benefit of grant funds which were only available for joint facilities, which culminated in 1973 with an upgraded 1.0 mgd secondary "interim" treatment plant designed to meet state and federal discharge standards, and

WHEREAS, by virtue of its prior designation as Lead Agency, HMB entered into an agreement with CSSA early in 1974 whereby the additional Step I studies could be grant fundable, with CSSA bearing the local costs of having their districts' engineers, Resources Engineering and Management (REM) explore, together with YTO, other alternative plans, and

WHEREAS, these additional studies culminated in late 1974 in a supplemental project report, among whose 7 alternatives emerged Plan A which provided for retention and upgrading of the 3 existing plants, with a combined capacity of 2.0 mgd (1.0 mgd at HMB, .5 mgd at GSD and .5 mgd at MSD), and with an intertie conveyance line connecting the three plants to a common ocean outfall and a reclamation line, and

WHEREAS, Plan A was preferred by CSSA over Plan F, which provided for a 2.0 mgd consolidated plant to be located at the site of the existing HMB plant with capacity allocated at 1.0 mgd for HMB, .5 mgd for GSD and .5 mgd for MSD and with an intertie conveyance line connecting the GSD and MSD plants to a common outfall adjacent to the HMB outfall and a reclamation line, and

WHEREAS, HMB had already commenced a further upgrading of its 1.0 mgd plant, this time with grant funds assistance on those facilities deemed compatible with a consolidated regional system, thus increasing its investment in its existing plant, and

WHEREAS, in view of the above, HMB agreed to support the Plan A concept in an effort to see at least a short term solution to the mid-coastside's long term joint sewage treatment and disposal problems resolved, and

WHEREAS, early in 1975 HMB and CSSA entered into another agreement, which by mid-year had culminated in another project report and all attendant documents which recommended Plan A as the best apparent alternative, with the local costs of this latest planning effort being born equally by HMB, GSD and MSD, and

WHEREAS, after analyzing this latest work, it was determined by the SWRCB that Plan F was more cost effective than Plan A and thus funding for Plan A would be limited to only those components of that plan that was identical with Plan F, and

WHEREAS, in an effort to equalize the apparent disproportionate burden of local costs under the Plan F system, particularly for MSD who, under this plan would have to abandon its secondary plant and build a transport line to the regional plant site in HMB, the City proposed sharing the total costs for the project on a percentage basis, and

WHEREAS, it was jointly determined by HMB and CSSA that, under these circumstances, the full consolidation of sewage treatment facilities as envisioned in the 2.0 mgd Plan F system was the best apparent alternative, providing grant funding would be based on the collective design capacity of each agencies' existing treatment plants (1.8 mgd), and

WHEREAS, a joint Letter of Understanding between HMB and CSSA was signed on January 22, 1976 to this effect, and further providing for a local cost sharing of roughly 50% to the City and 50% to CSAA, with provision for further modification of such shares based on actual benefit and total past investments in existing plant facilities, and

WHEREAS, said letter further provided for possible implementation of a "bare boned" version of Plan A, in the event full funding to the 1.8 mgd level were not forthcoming, with the local costs of this Plan being born by each agency on the basis of direct use and benefit only and with the City not sharing in any of the costs of the intertie transmission lines or CSSA treatment plant improvements, and

WHEREAS, on February 3, 1976 the Joint Letter of Understanding was incorporated into an agreement creating the Sewer Authority Mid-Coastside (SAM), which comprehensive document united HMB, GSD and MSD into a new joint powers agency empowered to plan for and construct the regional sewage facilities for the entire mid-coastside area, and

WHEREAS, in consideration of previous expenditures and existing usable plant facilities at HMB, at their special meeting of April 28, 1976 the representatives of the member agencies of SAM unanimously agreed to a local share project cost distribution formula of 5/13 (38.46%) - 4/13 (30.77%) - 4/13 (30.77%) for HMB, GSD and MSD respectively, and confirmed a capacity allocation formula of 1/2 - 1/4 - 1/4 for HMB, GSD and MSD respectively in the proposed 2.0 mgd plant, and

WHEREAS, SAM submitted an appeal to the SWRCB for relief from the strict application of the Clean Water Grant Regulations determining eligible project capacities, which appeal was denied thus resulting in a grant eligible capacity of only 1.3 mgd for full 87-1/2% funding, and

WHEREAS, after determining that the funding level for the full 2.0 mgd project would still be approximately 76% due to only incremental cost differences in the total project being assessed locally, on June 21, 1976 SAM amended its joint powers agreement to designate the fully consolidated Plan F system as the SAM project, and

WHEREAS, because of the opposition to the project by the Committee for Green Foothills, a six month delay was experienced in receiving an official concept approval from the SWRCB, with an increased project inflationary cost of \$60,000 per month being estimated by the Regional Water Quality Control Board (RWQCB) in 1976, and

WHEREAS, due to continuing opposition from the Committee for Green Foothills and the workload on the Regional Coastal Commission staff, months of additional costly delays were experienced before the project for 2.0 mgd Plan F system was finally denied by the Regional Coastal Commission on August 15, 1977, and in its place a permit for a 1.3 mgd system was offered, and

WHEREAS, after a costly appeal to the State Coastal Commission was denied, on October 24, 1977 SAM made a second attempt before the Regional Coastal Commission to implement the then designed project by agreeing to restrict the usable capacity in the 2.0 mgd plant to 1.3 mgd through any of a number of methods, but again was denied by the Regional Coastal Commission and also again on subsequent appeal was denied by the State Coastal Commission, and

WHEREAS, because of SAM's failure to move ahead with the project, on December 9, 1977 a hearing panel of the RWQCB held a public hearing in Half Moon Bay to review the violations of discharge standards and time schedules for each of the member agencies of SAM, and

WHEREAS, upon the subsequent recommendation of the hearing panel to the full RWQCB, Cease and Desist Orders and sewer connection bans were placed on each of the member agencies of SAM, which orders and bans are still in effect over one year later, and

WHEREAS, in an effort to totally and consistently comply with all its discharge requirements, pending the permanent joint solution of the mid-coastside water quality problems, the City has been required to continually invest more and more money into its "interim" treatment plant, and

WHEREAS, complicating this effort was the discovery in early 1978 that the HMB ocean outfall line was severely broken in the surf zone, thus rendering it impossible to comply with the City's Cease and Desist Order without major repair work or early implementation of the new SAM outfall, and

WHEREAS, in repeated futile efforts to move any SAM project along, during 1978 the City agreed to many changing positions within SAM, including REM's assention to becoming principal engineering consultants for the project, a reversion to Plan A with another rejected attempt to show Plan A to now be more cost effective than Plan F, and alternative applications for Plan A, Plan F and variations of each through phasing proposals, and

WHEREAS, in view of the lack of progress being experienced, in the fall of 1978 the City was moving ahead on its own again to repair its broken outfall, but altered its position under the encouragement of the RWQCB in favor of a proposal to resize the new SAM outfall to accomodate HMB flows and expedite its construction, and

WHEREAS, during joint meetings of SAM, the SWRCB, the RWQCB, the Regional Coastal Commission and the Attorney General's Office, in late 1978 it was mutually agreed that SAM should proceed with a phased project with Phase I being immediately pursued, this being the conveyance system, the ocean outfall and the reclamation line as already designed for Plan F at 2.0 mgd, and

WHEREAS, it was agreed that the treatment plant or plants only, as Phase II of the project, would be deferred until after the Local Coastal Programs were far enough along to determine that the treatment capacity could also be 2.0 mgd, with SAM given the option of changing to a Plan A system during the second phase under certain potentially difficult conditions, and

WHEREAS, said conditions were enumerated in subsequent letters and reports and include the necessity of another in depth cost effective analysis between Plan F and Plan A, the cost of which would not be grant fundable unless both construction and 20 year operation and maintenance comparisons reversed previous calculations and showed Plan A to be more cost effective, and

WHEREAS, other conditions include the possible generation of supplemental environmental documents under state (CEQA) and federal (NEPA) regulations, again non-grant fundable unless the condition set forth above is satisfied, the requirement to redesign the project and prepare new specs totally without grant funding under any conditions, and an obligation to pay back grant funds expended on Plan F components under Phase I which would not be compatible with the Plan A system under Phase II, and

- WHEREAS, in order to enforce the conditions agreed to by the joint regulatory agencies, it was further agreed that such conditions, together with a time schedule for implementation, would be embodied in a court order which has now been filed by the Attorney General and which includes a stipulation for punitive damages in the amount of \$10,000 per day for non-compliance, and
- WHEREAS, at their meeting of December 20, 1978, after staff explained the costly inefficiencies which would be encountered by building a Plan F conveyance system under Phase I and a Plan A treatment system under Phase II, and in view of the time constraints facing SAM and the fact that only Plan F could be immediately implemented due to its having already been approved and designed, SAM unanimously adopted motions to proceed with all haste in implementing the Phase I Plan F 2.0 mgd facilities, and
- WHEREAS, an accelerated schedule for implementing the project was submitted to all concerned agencies calling for construction to begin on the Plan F conveyance and reclamation lines by March 31, 1978, and on the revised outfall line by April 30, 1979, and the SAM manager and SAM engineers brought much pressure to bear on the other regulatory agencies to ensure their cooperation in meeting this schedule, and
- WHEREAS, the new outfall plans and specs, now being revised to accomodate a 2.0 mgd average dry weather flow to include HMB, are nearing completion at a cost of almost \$13,000 as a result of previous authorizations given the engineers by the SAM Board and by the SWRCB, and
- WHEREAS, the revised plans and specs to accomodate the Phase I Plan F 2.0 mgd conveyance line are now complete and ready for bidding, with the attendant pumping facilities to be ready by the end of this month (February, 1979), at a revision cost of over \$13,000 as authorized by the SAM Board and the SWRCB, and
- WHEREAS, in view of the past history of lack of progress in solving the collective sewage problems of the mid-coastside area through a regional effort, the City has had to make substantial investments in its one time "interim" plant, and even now continues to do so to the point where now it will no longer need be considered "interim", and
- WHEREAS, in spite of its investments in the HMB plant, in view of the long term operation and maintenance costs, the reliability factors, and the fact that only Plan F at 2.0 mgd has the approval of the voters in HMB and MSD, the City still favors Plan F as the most cost effective and permanent solution to the long term collective sewage problems of the entire mid-coastside area, and
- WHEREAS, the City has repeatedly over the years suggested combining forces with GSD and MSD in the operation and maintenance of their respective systems in order to enjoy a reduction of duplicated effort and expense, and
- WHEREAS, first GSD and then MSD have recently elected to employ a branch organization of REM to operate and maintain their separate systems without considering the City's offer of potentially greater savings, and
- WHEREAS, recent wide spread publicity of the operation and management of REM has caused the City to have concerns about its relationship through SAM with this engineering firm, and

WHEREAS, under date of February 2, 1979, the chairman of the GSD has written three letters setting forth a very strong position pertaining to the need to alter the long standing local share funding formula of SAM to increase the City's share in the 2.0 mgd Plan F project from 38.46% to 57% while reducing the GSD share from 30.77% to 19%, and

WHEREAS, under such a plan the City would be exchanging its previously paid for 1.0 mgd secondary plant for 1.0 mgd capacity in the new secondary plant while GSD would be exchanging its .3 mgd primary plant for .5 mgd (66-2/3 % increase) in a new secondary plant and for this privilege of owning twice as much capacity in the new plant as GSD, the City would pay three times the amount, and

WHEREAS, under this scheme; MSD would be exchanging its previously paid for .5 mgd secondary plant for .5 mgd capacity in the new secondary plant, while GSD exchanges its .3 mgd primary plant for the same .5 mgd capacity in the new secondary plant, and for this privilege MSD pays over 26% more than GSD, and

WHEREAS, the chairman of the GSD has further just proposed that the long standing agreement within SAM for capacity allocation of 1.0 mgd for HMB, .5 mgd for GSD and .5 mgd for MSD in the 2.0 mgd Plan F system need now be altered to provide for a greater share of the capacity in the 2.0 mgd system for GSD, at the expense of HMB or MSD, and

WHEREAS, as a more realistic alternative to the above, the GSD chairman has proposed to the SWRCB that those components of the project which definitely commit SAM to either selection of Plan F at this time or a capacity in the system of only 2.0 mgd, whether in Phase I or Phase II, be deferred until after the Local Coastal Programs can hopefully verify that an allowable capacity greater than 2.0 mgd is warranted to provide for the expected needs of the GSD, and

WHEREAS, the SAM engineers have indicated that in the event that a system greater than 2.0 mgd were eventually approved following the determination of the Local Coastal Programs, then all components of the project, save the reclamation line, would have to be redesigned, and this undoubtedly again at full local expense without grant funding and at further delay in time, and

WHEREAS, the City has previously expressed its full intention to move ahead on its own again and repair its outfall in the spring of 1979 if it appears that the new SAM outfall cannot be constructed and operational by the end of this same year, now therefore be it

RESOLVED, that it has always been and will continue to be the policy of the City of Half Moon Bay to work for the common solution to the mid-coastside's sewage treatment and disposal problems, through cooperation with the other member agencies of the Sewer Authority Mid-Coastside and with all other public agencies involved, and be it further

RESOLVED, that the City is still prepared and prefers to implement the fully consolidated Plan F system under the same terms and conditions as previously agreed to in SAM -- namely with the City's capacity allocation in the 2.0 mgd system being 1.0 mgd and its share of total local costs being roughly half, which,

when modified to account for "actual benefit and total past investments in existing plant facilities", now amounts to approximately 38%; and further on condition that the consolidated system be operated and maintained by either increased City forces contracted out to SAM, or by yet to be established SAM forces should same prove to be a feasible and acceptable alternative, and be it further

RESOLVED, that as a less desirable alternative the City is also prepared to implement the partially consolidated Plan A system under the same terms and conditions as previously agreed to in SAM -- namely with the City only paying for its share of facilities of direct use and benefit to City, and with the City not bearing any of the cost associated with the intertie transmission lines or treatment plant improvements outside of its own facilities, including but not limited to further studies, environmental documentation requirements, redesign work, reimbursement of grant funds or litigation expenses incurred as a result of possible time delays, and be it further

RESOLVED, that under either Plan F or Plan A as set forth above, the City endorses the concept of the Phased approach to implementation and agrees to abandon its existing broken ocean outfall line and pay half the local costs for 1.0 mgd capacity in the new SAM 2.0 mgd outfall line on condition that all required plans, permits and grant funding can be secured in time to begin construction no later than May of 1979 so that construction can be completed and City can begin using the new outfall during the calendar year of 1979, and be it further

RESOLVED, that in the event that the new SAM outfall cannot be under construction on the schedule as set forth above, then the City will not share in the cost of the new SAM outfall, save for redesign costs already encumbered, but will expend its own funds to repair its existing broken outfall line forthwith in order to bring its system back into conformance with its NPDES discharge requirements in a timely manner, and be it further

RESOLVED, that after resolution of the City's ocean outfall problem by either alternative as set forth above, the City will be prepared to defer construction of the remainder of the SAM project until after the Local Coastal Programs can establish the allowable capacities of the SAM system, thus allowing for a more informed selection of the most appropriate plan and size of system to be implemented.

\* \* \* \* \*

PASSED AND ADOPTED by the City Council of the City of Half Moon Bay, California, at a regular meeting of February 6, 1979, by the following vote:

AYES: Adreveno, Bedesem, Mello

NOES: None

ABSENT: Cardoni, Shaw

ATTEST:

Melvin A. Mello, Sr., Mayor

Mary Lou Orange, City Clerk